Entered on Docket
November 29, 2016
EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Movant,
Wells Fargo Bank, N.A.

The following constitutes the order of the court. Signed November 29, 2016

Charles Novack
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re MIRASOL C. CASTRO, Debtor.	Case No. 12-48137-CN Chapter 13 R.S. No. ALG-362 **ORDER GRANTING MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY** **Hearing:** Date: November 18, 2016 Time: 10:00 a.m. Place: 215 1300 Clay Street Oakland, CA 94612

The above-captioned matter came for hearing on November 18, 2016, at 10:00 a.m., in Courtroom 215, upon the Motion of Wells Fargo Bank, N.A. ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Mirasol C. Castro ("Debtor") and Leonard M. Castro, Jr. (collectively “Borrowers”) commonly known as 5656 West Cog Hill Terrace, Dublin, CA 94568 (the "Real Property"), which is legally described as follows:

> SEE LEGAL DESCRIPTION IN DEED OF TRUST ATTACHED AS EXHIBIT B TO MOTION FOR RELIEF FROM STAY, DOCKET ENTRY NUMBER 134.

Appearances as noted on the record.

Based on the arguments of counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED:

1) The automatic stay of 11 U.S.C. § 362 and co-debtor stay of 11 U.S.C. § 1301 are hereby terminated as it applies to the enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust, and pursuant to applicable state law;

2) Movant is authorized to foreclose its security interest in the Real Property under the terms of the Note and Deed of Trust, and pursuant to applicable state law;

3) The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

4) Post-petition attorney's fees and costs for the within motion may be added to the outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

5) Upon foreclosure, in the event Borrowers fail to vacate the Real Property, Movant may proceed in State Court for unlawful detainer pursuant to applicable state law;

6) Upon entry of this Order, the Chapter 13 Trustee shall cease making payments in regard to Movant's claim filed in this bankruptcy case;

7) Movant may offer and provide Borrowers with information re: a potential Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement with Borrowers. However, Movant may not enforce, or threaten to enforce, any personal liability against Borrowers if Borrowers' personal liability is discharged in this bankruptcy case; and

8) This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

** END OF ORDER **

COURT SERVICE LIST